

Article - Public Safety

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§13A–715.

(a) (1) Subject to paragraphs (2) and (3) of this subsection, in any case not extending to the dismissal of a commissioned officer, the sworn testimony, contained in the duly authenticated record of proceedings of a court of inquiry, of a person whose oral testimony cannot be obtained, may, if otherwise admissible under the rules of evidence, be read in evidence by any party before a court–martial if the accused was a party before the court of inquiry and if the same issue was involved or if the accused consents to the introduction of such evidence.

(2) Testimony described in paragraph (1) of this subsection may be read in evidence:

(i) by the defense in cases extending to the dismissal of a commissioned officer; and

(ii) before a court of inquiry.

(b) Sworn testimony that is recorded by audiotape, videotape, or similar method and is contained in the duly authenticated record of proceedings of a court of inquiry is admissible before a court–martial, military commission, court of inquiry, or military board, to the same extent as sworn testimony may be read in evidence.

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